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10 Attorneys for Plaintiff:  
11 CLAUDIA HERRERA

12  
13 **UNITED STATES DISTRICT COURT**  
14  
15 **CENTRAL DISTRICT OF CALIFORNIA**

16 CLAUDIA HERRERA, an individual

17 Plaintiff,

18 vs.

19 UNITED STATES OF AMERICA; and  
20 DOES 1 to 50, Inclusive,

21 Defendants.

Case No.: 2:19-cv-1024

**COMPLAINT FOR DAMAGES**  
**BASED ON:**

1. NEGLIGENCE/MOTOR VEHICLE

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**JURISDICTION and VENUE**

1. This court has jurisdiction over the subject matter of this complaint under 28 U.S.C. § 1331 and § 1346(b).
2. Plaintiff CLAUDIA HERRERA filed her claim with the United States Postal Service for bodily injury she sustained in an auto accident caused by postal worker Eric Yang. The subject auto accident occurred on June 27, 2017, at about 1:30 p.m.
3. On August 23, 2018, Plaintiff received acknowledgment from the United States Postal Service that the claim involving the subject auto accident of June 27, 2017 has been denied. Plaintiff, having exhausted all available administrative remedies, files this action in accordance with the applicable Federal Tort Claims Act. 28 U.S.C. § 2675(a).
4. The venue is properly within this district under 28 U.S.C. § 1402(b) as the act that is the subject of this complaint occurred within the County of Los Angeles, State of California, Central District of California.

**PARTIES**

5. Plaintiff, CLAUDIA HERRERA, a natural person, is, and at all times herein mentioned was, a resident of the State of California, County of Los Angeles.
6. Eric Yang at all times relevant hereto was an employee of the United States Postal Service, an agency of the UNITED STATES OF AMERICA, in the State of California, County of Los Angeles, City of Los Angeles.

7. At all times relevant to this complaint, Eric Yang was acting within the course and scope of his employment with the United States Postal Service. As such, the defendant the UNITED STATES OF AMERICA is the appropriate defendant under the Federal Tort Claims Act.

### **FACTUAL ALLEGATIONS**

8. Plaintiff, CLAUDIA HERRERA (hereinafter referred to as “Plaintiff HERRERA”), is a citizen of the United States of America.

9. On June 27, 2017, at about 1:30 p.m., Plaintiff HERRERA was a front seated passenger in a vehicle driven by Leslie Jimenez. At the previously mentioned time and place, Eric Yang, while operating a United States Postal Services vehicle, caused an auto accident with Ms. Jimenez’s vehicle.

10. Eric Yang acted in a negligent manner by operating Defendant’s postal vehicle in a negligent manner, namely by making an unsafe and unindicated U-turn, and collided with Ms. Jimenez’s vehicle.

### **FIRST CAUSE OF ACTION**

#### **NEGLIGENCE / MOTOR VEHICLE**

#### **Plaintiff against the UNITED STATES OF AMERICA**

#### **Federal Tort Claims Act – Negligence/Wrongful Death**

11. Eric Yang owed a duty to Plaintiff HERRERA and as described above, breached his duty to Plaintiff HERRERA and as such, was the direct and

1 proximate cause and a substantial factor in bringing about Plaintiff  
2 HERRERA's damages as outlined below.

3 12. The actions of Eric Yang constitute a tort of negligence under the laws of the  
4 State of California.

5 13. Under the Federal Tort Claims Act, defendant UNITED STATES OF  
6 AMERICA is liable for the negligence of Eric Yang, who was an employee of  
7 the United States Postal service on the subject date of loss of June 27, 2017.

8 14. As a direct and proximate result of Eric Yang's negligence and the resulting  
9 incident, Plaintiff HERRERA was rendered sick, sore, lame, hurt, and was  
10 damaged. Plaintiff HERRERA suffered damages in an amount to be  
11 determined at time of trial including, but not limited to, physical injuries to  
12 her neck and back, and pain and suffering stemming from her physical and  
13 emotional injuries sustained when the vehicle she was a passenger in, was  
14 struck by the postal vehicle driven by postal worker Eric Yang. Plaintiff  
15 HERRERA was taken to the emergency room several hours after the subject  
16 accident for the injuries she suffered to her body, including her neck and her  
17 back. Plaintiff HERRERA further suffered special damages in an amount of at  
18 least \$11,676.00 for the hospital visit and subsequent medical care she  
19 received as a result of the negligence of the defendants.

20 15. As a further proximate result of the incident, Plaintiff HERRERA has been  
21 and, in the future, will be required to obtain the services of physicians and to

1 incur other medical expenses, including but not limited to, additional physical  
2 therapy, neurological evaluations, and pain management administered  
3 epidural injections to her lumbar and cervical spines in an amount of at least  
4 \$60,000.00.

5 16. Finally, Plaintiff HERRERA has suffered mentally, emotionally, and  
6 physically as a result of Eric Yang's negligence as described above all to her  
7 general damages in an amount totaling \$100,000.00.

8 **PRAYER**

9 WHEREFORE, Plaintiff respectfully requests for a judgment as follows:

- 10 1. For special damages, inclusive of past and future medical expenses, in an  
11 amount to be determined at time of trial but in no event less than \$71,676.00;  
12 2. For general damages in an amount to be determined at time of trial but in no  
13 event less than \$100,000.00; and  
14 3. For such other and further relief as the court may deem just and appropriate.

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16 DATED: February 9, 2019

BELORYAN & MANUKYAN LLP

17 /s/ Vahe Shakhgeldyan

18 Signature

Haik Beloryan, Esq.

19 Vahe Shakhgeldyan, Esq.

Attorneys of record for:

20 Plaintiff CLAUDIA HERRERA  
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